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From: Zellmer, James A - DNR
Sent: Mon 9/18/2017 1:25:55 PM
Subject: FW: Meeting Follow-Up
[20170915 WOTUS-NW comparison.pdf](#)

Thanks, Chris. I'm forwarding the WOTUS vs. WI navigable waters comparison to our legal staff for review and comment. Robin in particular has done a lot of work in this area.

We appreciate EPA's collaboration on resolving the issues identified in the LAR review and are looking forward to receiving the meeting summary.

Jim

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From: Korleski, Christopher [mailto:korleski.christopher@epa.gov]
Sent: Friday, September 15, 2017 3:35 PM
To: Zellmer, James A - DNR
Cc: Stevens, Patrick K - DNR; Williams, Quinn L - DNR; Aquino, Mark D - DNR; Pierard, Kevin; Toney, Marcy; Zander, Rachel; Socha, Julianne; Bauer, Candice; Holst, Linda; Korleski, Christopher
Subject: Meeting Follow-Up

Hello Jim:

On behalf of my team, I wanted to again thank you and the WDNR team for your hospitality during our recent meeting. I was impressed with the progress our agencies have made on the Legal Authority Review and the degree of collaboration and commitment exhibited by our teams.

As I indicated, I will be forwarding in the next week or so a meeting summary for WDNR's review which captures the agreements reached. In the meantime, though, I did want to quickly return to the "navigable waters *vs.* waters of the U.S." issue.

Attached please find a copy of a side-by-side comparison of the definitions of the terms "waters of the United States" (WOTUS) and "navigable waters" prepared by the Region 5 team. During the meeting, WDNR offered to provide EPA with Wisconsin case law that interpreted the "navigable waters" definition in a manner consistent with (and in some cases broader) than the federal WOTUS definition. I would appreciate WDNR providing its analysis of that case law (and other sources of authority) in order that EPA can fully understand WDNR's position and evaluate WDNR's argument.

I look forward to continuing a productive dialogue on this issue and commit to expediting EPA's efforts to enable WDNR's issuance of the general permit.

Thanks.

Chris

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